

REMARKS

Claims 1-21 are pending in the present application. Claims 6-15, 17-19, and 21 are withdrawn from consideration. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this Amendment, Applicant is amending claims 1, 3, 16, and 20 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-5, 16, and 20 under 35 U.S.C. § 102(e) as being anticipated by *Matsugu* (USP 6,636,635). Applicant respectfully traverses this rejection.

Claim Rejections - 35 U.S.C. § 102

In support of the Examiner's rejection of the claims, the Examiner asserts that *Matsugu* teaches an extractor for extracting depth information based on parallax images obtained by photographing the subject from different viewpoints, citing to col. 4, line 66 - col. 45, line 5 and Fig. 23. Applicant respectfully disagrees with the Examiner's characterization of this reference.

It is respectfully submitted that the disclosure of *Matsugu* is directed to an object extraction method for performing processing for extracting and cutting out a specific object from a sensed

image at high speed. *Matsugu's* disclosed method extracts an object by comparing a sensed image and a standard image, a focusing signal, focal length data, visual axis direction data, and illumination conditions are detected, and the initial size, initial position, or initial color of the standard image is changed on the basis of the detection results, and extraction is started under optical conditions. Specifically, *Matsugu* teaches at col. 44, line 66 - col. 45, line 5 as follows:

Reference numeral 505 denotes an object distance detection unit which processes images from the cameras 501.sub.R and 501.sub.L and calculates the distance to an object included in image frames on the basis of optical parameters of the image sensing unit, the disparity between the right and left image frames, or its distribution (the calculation method will be described in detail later).

In contrast, the present invention as set forth in claim 1, as amended, recites, *inter alia*, an image processing apparatus for processing an image obtained by photographing a subject comprising an image data unit for capturing a first and second image of the subject, said second image being captured in a parallax manner and an extractor for extracting image information relating to conditions of the image from the first image and depth information indicating a distance to a plurality of points on the subject from the second image. While *Matsugu* teaches evaluating a similarity between overlapping regions of the two images obtained from the cameras 501_R and 501_L, there is no teaching or suggestion in *Matsugu*

that is directed to an image data unit capturing a second image being captured in a parallaxtic manner. Additionally, there is no teaching or suggestion in *Matsugu* that is directed to an extractor for extracting image information relating to conditions of the image from the first image and depth information indicating a distance to a plurality of points on the subject from the second image. As *Matsugu* fails to anticipate claim 1, as amended, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 16 and 20 contain elements similar to those discussed above with regard to claim 1 and, thus, claims 16 and 20 are allowable for the reasons set forth above with regard to claim 1.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #2960

Michael R. Cammarata, #39,491

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

law
MRC/CMV/jdm
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